IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.828 of 2006
Date of Decision:01.05.2007

The Punjab State Co-operative Agricultural Development Bank Limited, Chandigarh .....Petitioner

Vs.

Commissioner of Income Tax-I, Chandigarh and another .....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Rajesh Garg, Advocate for the petitioner.
Mr. S.K.Garg Narwana, Advocate for the respondents.

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M.M.Kumar, J. (Oral)

Learned counsel for the petitioner states that in respect of assessment year 2003-2004, the matter was pending before this Court in C.W.P. No.16224 of 2006 and the Division Bench of this Court had stayed the recovery of additional demand in respect of the assessment year 2002-2003 by virtue of the assessment order dated 31.3.2005. According to the learned counsel, in view of the fact that for the subsequent assessment year of 2003-2004, the matter on merits has been decided in favour of the assessee vide order dated 6.11.2006, which is Mark-`A' in the connected petition, namely, C.W.P. No.16224 of 2006, the matter be disposed of by directing the Commissioner of Income Tax (Appeals) not to insist on payment of the additional demand in respect of the assessment year 2002-2003 as was ordered by this Court vide order dated 19.1.2006.

In view of the above, we dispose of the writ petition with the observation that order dated 19.1.2006 is made final and no recovery of additional demand shall be insisted from the petitioner during the pendency of the appeal before the Commissioner of Income Tax (Appeals).

The writ petition is disposed of accordingly.

(M.M.KUMAR)
JUDGE

May 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**